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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/890,830 | 08/06/2001 | Takeshi Natsuno | 9683/89 | 8170 |

7590 10/14/2005
Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, IL 60610

EXAMINER

DOAN, PHUOC HUU

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2687

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/890,830

Applicant(s)

NATSUNO, TAKESHI

Examiner

PHUOC H. DOAN

Art Unit

2687

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: ~~An attachment of Detailed Action.~~ (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 16-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/09/05 have been fully considered but they are not persuasive.

Applicant's remarks: the designated part of the specification of Dahm (US Patent No: 6,466,783) discusses the construction of the mobile telephone, not a server. There is nothing in Dahm that discloses or teaches that a server has menu data that comprises a list of financial institutions and a list of requests for performance by the financial institutions.

Examiner's response: Dahm (US Patent No: 6,466,783) discloses that a server (Fig. 4, col. 7, lines 40-55, mobile device 402 is serviced by **server device 404** via carrier wireless network 406 operated by carrier infrastructure 408).

Dahm further discloses in Fig. 3, col. 6, lines 53-67, subscribers or user accounts, indexed by each respective device ID, are represented by a data structure 300 of a **server** as shown in Fig. 3. Each record in data structure 300 comprises information about a subscriber, such as device ID 302, subscriber ID 304 and user info 306 for the account indexed device ID 93845823.

Applicant's remarks: Claim 25 is specific in that it calls for the gateway server to have the menu data which comprises a list of financial institutions and a list of requests for performance by the financial institutions for a user of the mobile terminal.

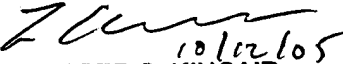
Examiner's response: Dahm discloses the server device hosts the user account or provides a **gateway to the user account** that may be located in another device coupled to the server device via a data network (col. 10, lines 30-50).

Applicant's remarks: Claim 16 calls for the network to have a memory that records whether to disable the mobile terminal due to a possibility of fraud.

Examiner's response: D'Avello (US Patent No: 4,860,341) discloses in Fig. 1, items 107 "**Registration Computer**" is a memory that records the information (col. 2, lines 40-61, the method and apparatus in a mobile unit for synchronizing calls in a radiotelephone system utilizing a credit card for payment of radiotelephone calls. Each call may be placed in a consistent manner after a credit card has been approved by a **registration computer 107**. Until approval has been granted, call access to the radiotelephone system is denied... if the registration computer causes a data message

containing an approval to be transmitted, the mobile unit is enabled to allow one or more calls to be made).

In the same field of invention, Lamber (US Patent 6,470,447) in combination with D'Avello specifically disclose such as on line credit card purchase or an exchange of confidential information (col. 1, lines 28-40), and also discloses in particular that a program 20 running within the mobile telephone is communicating with a program 20' running on a **bank's computer system 90** (col. 6, lines 11-25).


10/12/05
LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER